
**Criminal Justice & Corrections
Committee**

HB 2748

Brief Description: Expanding the collection of biological samples for criminal investigations.

Sponsors: Representatives Miloschia, O'Brien and Ericks.

Brief Summary of Bill

- Expands the deoxyribonucleic acid (DNA) database to include DNA samples from persons convicted of certain misdemeanors.

Hearing Date: 1/27/06

Staff: Jim Morishima (786-7191).

Background:

The Washington State Patrol (WSP) operates and maintains a deoxyribonucleic acid (DNA) identification system. The purpose of the system is to help with criminal investigations and to identify human remains or missing persons. The system contains DNA samples from persons convicted of any felony and the following misdemeanors: stalking, harassment, and communicating with a minor for immoral purposes.

County and city jails are responsible for collecting biological samples for DNA analysis from offenders incarcerated in their facilities. The Department of Corrections and the Department of Social and Health Services are responsible for collecting biological samples for DNA analysis from offenders incarcerated in their facilities. Local police and sheriff's departments are responsible for collecting biological samples for DNA analysis from offenders who do not serve any term of incarceration.

A sentencing court must impose a fee of \$100 for the collection of a DNA sample upon every offender convicted of a felony unless such a fee would result in undue hardship on the offender. The fee is a legal financial obligation and is payable only after payment of all other legal financial obligations in the sentence.

Summary of Bill:

Persons convicted of the following misdemeanors and gross misdemeanors are added to the DNA database:

- Aiming or Discharging Firearms or Dangerous Weapons;

- Animal Cruelty in the second degree;
- Assault in the fourth degree;
- Coercion;
- Communication with a Minor for Immoral Purposes;
- Criminal Impersonation in the second degree;
- Custodial Sexual Misconduct in the second degree;
- Cyberstalking;
- Dangerous Weapons;
- Domestic Violence (any misdemeanor or gross misdemeanor committed by one family household member against another);
- Escape in the third degree;
- Harassment;
- Indecent Exposure;
- Making or Having Burglar Tools;
- Malicious Mischief in the third degree;
- Patronizing a Prostitute;
- Possession of Another's Identification;
- Possession of Stolen Property in the third degree;
- Prostitution;
- Reckless Burning in the third degree;
- Reckless Endangerment;
- Failure to Register as a Sex or Kidnapping Offender;
- Riot;
- Sexual Misconduct with a Minor in the second degree;
- Stalking;
- Telephone Harassment;
- Theft in the third degree;
- Unlawful Harboring of a Minor;
- Vehicle Prowling in the second degree;
- A Violation Involving a Weapon Apparently Capable of Producing Bodily Harm;
- A Violation of a Civil Antiharassment Order;
- A Violation of Certain Protection Orders; and
- Hit and Run.

The DNA sample does not have to be collected if the WSP already has a DNA sample on file for the individual in question.

A sentencing court must impose a fee of \$100 for the collection of a DNA sample upon every offender convicted of one of the crimes listed above unless to do so would be an undue hardship on the offender. The fee is a legal financial obligation and is payable only after payment of all other legal financial obligations.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.